IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 25049 of 2007(F)

PETITIONER:

TESSY JOSE, PHYSICAL EDUCATION TEACHER,
ST.MARY HIGH SCHOOL, CHERUPUZHA, P.O.CHERUPUZHA
KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
KANNUR.

4. THE DISTRICT EDUCATIONAL OFFICER,
KANHANGAD.

5. THE DISTRICT EDUCATIONAL OFFICER, KANNUR

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.25049 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the staff fixation order dtd.30.7.2002.

Ext.P2: Copy of the letter dtd.11.7.2002.

Ext.P3: Copy of the Memorandum dtd.5.12.02 filed by the Management before the DPI.

Ext.P4: Copy of the Memorandum dated 4.7.2003 filed by the Management before the Government.

Ext.P5: Copy of the representation dated 21.5.2004 filed by the petitioner before the Government.

Ext.P6: Copy of the representation dated 21.5.2004 filed by the petitioner before the DPI.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) No. 25049 of 2007 - F

Dated this the 18th day of September, 2007

J U D G M E N T

The petitioner is a Physical Education Teacher working in the U.P.Section of St.Thomas High School, Thomapuram, with effect from 11.7.1994. Her grievance in this writ petition is that she was not paid salary for the period from 1.7.2002 to 1.6.2004 on the ground that she was surplus teacher as per staff fixation order dated 30.7.2002. According to the petitioner, she is eligible for protection and therefore, she is eligible for salary also. The petitioner filed this writ petition seeking disposal of Exts.P4 and P5 representations which are stated to be pending before the Government.

2. I have heard the learned Government Pleader. He has produced along with a memo dated 10.9.2007, an order dated 10.6.2003 passed by the Joint Director of Public Instructions, Thiruvananthapuram in this regard, which is adverse to the petitioner.

3. The petitioner submits that she has not been made aware of the said order and therefore, she may be permitted to file a revision against that order before the Government.

4. Although the order is dated 10.6.2003, I find that Ext.P4 was filed by the Manager before the first respondent and Ext.P5 was filed by the petitioner before the first respondent which have not been disposed of. That being so, I dispose of this writ petition with the following directions:-

The petitioner may, if so advised, file a revision against the order dated 10.6.2003 now produced before me within two weeks from today. If the petitioner files such a revision, it would be disposed of on merits by the first respondent in accordance with law, as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this

judgment, after affording an opportunity of being heard to the petitioner as well as the Manager.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J.

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007